

place of incarceration at McCrae, and his eventual deportation. However, Petitioner contends that the officials at CCA McCrae acted “in defiance of the order given by BOP [and] asserted that the computation” of his release date as found by the BOP was in error. (Id. ¶ 5). Plaintiff maintains that “[t]his has gone far enough, BOP correctly calculated and interpreted this Court’s order [Doc. No. 465: Judgment]” and the CCA’s new release date of June 26, 2013 is erroneous. In his claim for relief, Petitioner seeks vindication of his constitutional rights and prays this Court “for an order of CREDIT FOR TIME SERVED or in the alternative for an order requiring the CCA to follow this” Court’s Judgment and Commitment. (Id. at 2).

As Petitioner notes, he is confined on his federal conviction in a detention facility in McCrae, Georgia, which is in Telfair County, and within the South District of Georgia. The Court finds that Petitioner’s present motion for release is properly considered under 28 U.S.C. § 2241.¹ The Court concludes that as Petitioner is challenging his present confinement, this Court is without jurisdiction to entertain such a petition under Section 2241, because § 2241 motions must be filed in the district where the petitioner is confined. See Rumsfeld v. Padilla, 542 U.S. 426 (2004) (finding that a claim challenging present physical confinement must be filed in the district of confinement); United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989). See also 28 U.S.C. § 2241(a) (providing that a writ of habeas corpus “may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions) (emphasis added).

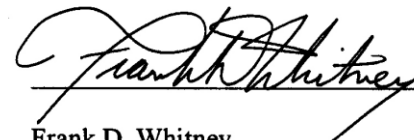
Based on the foregoing, the Court will dismiss Petitioner’s Section 2241 motion without

¹The Court notes that Petitioner presented an unsuccessful challenge to his criminal judgment in this district through a motion to vacate, set aside or correct sentence, filed pursuant to 28 U.S.C. § 2255. On January 22, 2013, this Court entered an Order denying and dismissing his Section 2255 after finding that his claims were without merit. See (3:11-cv-382-FDW, Doc. 12).

prejudice to his ability to file a similar motion in the Southern District of Georgia, his present place of confinement.

IT IS, THEREFORE, ORDERED that Petitioner's "Motion for Release from Custody" is **DISMISSED** without prejudice. (Doc. No. 1).

Signed: March 20, 2013


Frank D. Whitney
United States District Judge

